

TOWN OF HARTLAND

LOCAL LAW NO. 1 OF THE YEAR 2024 IMPOSING A TEMPORARY TOWN-WIDE MORATORIUM ON THE APPROVAL AND INSTALLATION OF LARGE SCALE SOLAR ENERGY SYSTEMS, UTILITY SCALE ENERGY SYSTEMS AND BATTERY ENERGY STORAGE SYSTEMS

BE IT ENACTED by the Town Board of the Town of Hartland as follows:

SECTION 1. TITLE.

This local law shall be known and cited as the Town of Hartland Local Law No. 1 of 2024 entitled "A Local law Imposing a Temporary Town-Wide Moratorium on the Approval and Installation of Solar Energy Systems and Battery Energy Storage Systems".

SECTION 2. PURPOSE AND INTENT.

- A. The Town of Hartland Zoning Law provides regulations and other provisions regulating the installation and approval of Solar Energy Systems pursuant to the Town of Hartland Zoning Law § 144-17 and Battery Energy Storage Systems pursuant to Town of Hartland Zoning Law § 144-20.
- B. The purpose of this Local Law is to advance the Town's constitutional obligation to protect and preserve the public health, welfare, and safety of the People of the Town of Hartland, Niagara County, NY, as well as the value, use and enjoyment of property in the Town. It is the further purpose of this Local Law to prevent and avoid serious detrimental health and environmental impacts which threaten the Town of Hartland by allowing degradation of its significant environmental and agricultural resources.
- C. It is the intention of the Town of Hartland Town Board to amend the Town of Hartland Zoning Law to reconsider and potentially revise regulations for the location and approval of Large Scale Solar Energy Systems and Utility Scale Solar Energy Systems as defined by Town of Hartland Zoning Law §144-17 (C) and the location and operation of Battery Energy Storage Systems as defined in Town of Hartland Zoning Law § 144-20
- D. It is the intention of the Hartland Town Board in enacting this Local Law to temporarily suspend any improvements or installations of such Large Scale Solar Energy Systems, Utility Scale Energy Systems and Battery Energy Storage Systems by the imposition of a temporary moratorium on the issuance of any permits and approvals for the installation of such Large Scale Solar Energy Systems, Utility Scale Solar Energy Systems and Battery Energy Storage Systems for a period of 180 days from the effective date of this Local Law. Provision is made in this Local Law to allow for the extension of the 180-day moratorium, if

necessary.

- E. It is the further purpose of this temporary moratorium to permit the Town of Hartland Town Board to temporarily suspend the installation of Large Scale Solar Energy Systems, Utility Scale Energy Systems and Battery Energy Storage Systems in order to carefully consider any amendments needed to conform to the Town of Hartland Comprehensive plan.
- F. All other provisions of the Town of Hartland Zoning Law §144-17 related to non-Large Scale Solar Energy Systems and non-Utility Scale Energy Systems by the imposition of a temporary moratorium shall remain in full force and effect.

SECTION 3. MORATORIUM PROVISIONS.

- A. The Town of Hartland Town Board hereby finds that pending the completion of the necessary studies, meetings, hearings, environmental review and other actions necessary and incident to the proper consideration and adoption of local law amendments to the Town of Hartland Zoning Law regulating the installation of Large Scale Solar Energy Systems, Utility Scale Energy Systems and Battery Energy Storage Systems by the imposition of a temporary moratorium within the Town, reasonable measures must be taken to maintain the status quo in order to protect the public interest and ensure that proper regulation of the installation and approval of Large Scale Solar Energy Systems, Utility Scale Energy Systems and Battery Energy Storage Systems.
- B. During the effective period of this Local Law, the Town Board, the Planning Board, the Zoning Board of Appeals, the Building Department and the Zoning Administrator shall not permit, accept, process, interpret, deliberate upon, decide or approve any application for the installation of any Large Scale Solar Energy Systems, Utility Scale Energy Systems and Battery Energy Storage Systems.
- C. This moratorium shall apply to all currently pending and future applications for the installation of such Large Scale Solar Energy Systems, Utility Scale Energy Systems and Battery Energy Storage Systems.

SECTION 4. PENALTIES FOR OFFENSES.

Any person, firm, entity or corporation that shall construct, erect, enlarge or alter any building or structure, in violation of the provisions of this Local Law or shall otherwise violate any of the provisions of this Local Law shall be guilty of a violation and subject to a fine of not less than \$350.00 nor more than \$1,000.00. Each day that the violation continues shall be a separate offense.

SECTION 5. CONFLICTING LAWS SUPERSEDED.

All local laws, ordinances, or parts of local laws and ordinances, of the Town of Hartland

that are in conflict with the provisions of this Local Law are hereby suspended to the extent necessary to give this Local Law full force and effect during the effective period of the moratorium.

SECTION 6. **SUPERSESION OF THE TOWN LAW.**

This Local Law is hereby adopted pursuant to Municipal Home Rule Law §10(1)(i) and §10(1)(ii)(a)(14) and Statute of Local Governments §10(6) of the State of New York

SECTION 7. **SEVERABILITY.**

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability, shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent of the Town Board of the Town of Hartland that his Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part thereof is held inapplicable had been specifically exempt therefrom.

SECTION 8. **TERM.**

This Local Law shall remain in force for a period of 180 days from its effective date. This Local Law is subject to review and renewal by the Town Board of the Town of Hartland for two (2) additional 90 day extensions by Town Board Resolution.

SECTION 9. **EFFECTIVE DATE**

This Local Law shall take effect upon its adoption and filing with the Secretary of State in accordance with the provisions of §27 of the Municipal Home Rule Law.